



28/11/07

PATENT  
Customer No. 22,852  
Attorney Docket No. 09423.0014-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
James A. TEAGUE et al. ) Group Art Unit: 3734  
)  
Application No.: 10/820,050 ) Examiner: Michael Mendoza  
)  
Filed: April 8, 2004 ) Confirmation No.: 7330  
)  
For: TREATMENT AND REMOVAL )  
OF OBJECTS IN ANATOMICAL )  
LUMENS )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

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Sir:

**TERMINAL DISCLAIMER**

Assignee, Boston Scientific Scimed, Inc., represents that it is the assignee of the entire right, title and interest in and to the instant application, Application No.

10/820,050, filed April 8, 2004, for TREATMENT AND REMOVAL OF OBJECTS IN ANATOMICAL LUMENS, in the names of James TEAGUE, James RILEY, and Todd SLOAN, by virtue of the following: (1) an Assignment to Scimed Life Systems, Inc. duly recorded in the U.S. Patent and Trademark Office at Reel 012760, Frame 0032 on March 29, 2002, and (2) a change in the name Scimed Life Systems Inc. to Boston Scientific Scimed, Inc., as reflected in an Articles of Merger of Boston Scientific Scimed, Inc. With And Into Scimed Life Systems, Inc, a Plan of Merger of Boston Scientific Scimed, Inc. Into Scimed Life Systems, Inc., and an Agreement And Plan Of Merger as

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filed (with a Recordation Form Cover Sheet) herewith. If further information is required regarding this change in name, please contact the undersigned.

Assignee, Boston Scientific Scimed, Inc., further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent No. 6,740,096 as indicated by (1) an Assignment to Scimed Life Systems, Inc. duly recorded in the U.S. Patent and Trademark Office at Reel 012760, Frame 0032 on March 29, 2002, and (2) a change of name from Scimed Life Systems, Inc. to Boston Scientific Scimed, Inc. as indicated in the documents recorded in the U.S. Patent and Trademark Office at Reel 018505, Frame 0868, on November 6, 2006.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,740,096. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent mentioned above are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a

court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of their full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this Terminal Disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 22, 2007

By: David M. Ruddy  
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